

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO

In re:	)	CASE NO: 07-50146
	)	Chapter 13
Robert John Wolverton	)	
	)	
Catherine Ann Wolverton	)	
	)	
Debtor(s).	)	Judge Marilyn Shea-Stonum
	)	
		<u>DEBTORS' RESPONSE TO</u>
		<u>MOTION FOR RELIEF FROM</u>
		<u>STAY</u>

Now come the above-captioned debtors, by and through the undersigned counsel, who respond as follows to a motion for relief from stay filed by Ford Motor Credit Company LLC ("movant"), allegedly a creditor herein.

1. The debtors admit to those allegations made by the movant in its memorandum in support of its motion in those paragraphs designated as numbers one (1) through four (4), inclusive, and number fourteen (14).

2. The debtors deny for lack of information sufficient to form a belief concerning the veracity of those allegations made by the movant in its memorandum in support of its motion in those paragraphs designated as numbers five (5) through nine (9), inclusive.

3. The debtors deny each and every other allegation made by the movant in its motion not specifically admitted herein.

4. The debtors affirmatively state that pursuant to their chapter 13 plan, as confirmed by the Court on March 30, 2007 (docket no. 27), the movant's claim for a 2004 Ford Taurus automobile is being paid by the debtors inside their chapter 13 plan, by way of payments made by the chapter 13 trustee to the movant.

5. The debtors affirmatively state that in an agreed order entered herein on April 30, 2007 (docket no. 30), the Court found " . . . Ford shall have a secured claim of \$8,900.00 together thereon with the interest rate of 10%, with the balance paid as an unsecured claim, and a fixed monthly payment in the amount of \$255.72 and that said claim of Ford should be paid by the Trustee."

6. The debtors affirmatively state that according to the chapter 13 trustee's

interim report on the debtors' case, dated February 22, 2011 and attached hereto as Exhibit "A," the chapter 13 trustee has paid \$8,896.86 of the movant's allowed secured claim and a balance of \$7.14 remains unpaid. The debtors further submit that the attached exhibit shows that the debtors are substantially current in their payments to the chapter 13 trustee notwithstanding the movant's allegations in its motion of some default in the debtors' payments.

7. The debtors affirmatively state that the 2004 Ford Taurus was destroyed in a collision in January of 2001 and that the debtors' insurer has declared the vehicle to be a total loss.

8. The debtors affirmatively state that the movant has a lien on the insurance proceeds only to the extent of the remaining unpaid balance owed by the debtor to the movant on its allowed secured claim, \$7.14, and that order confirming the debtors' plan and the agreed order of April 30, 2007 estop the movant from asserting that it is entitled to relief that would allow the movant to receive any more than \$7.14 of these proceeds.

9. The debtors submit the balance of any proceeds over and above the \$7.14 should be paid over to the debtors so that the debtors may purchase replacement transportation so that the debtors may continue to effectuate their chapter 13 plan.

WHEREFORE, the debtors pray for the entry of an order overruling and denying the present motion at the movant's costs and granting to the debtors such other and further relief as may be equitable and just.

Respectfully Submitted,

/s/ Robert M. Whittington, Jr. 0007851  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing response was sent by electronic ECF notice this 23rd day of February, 2011, to Cynthia A. Jeffrey, attorney for the movant, to Keith Rucinski, chapter 13 trustee and to the U.S. Trustee.

/s/ Robert M. Whittington, Jr.

Keith L. Rucinski

## INTERIM REPORT STATEMENT AS OF 02/22/2011

CASE NO: 07-50146

STATUS: COMP - 4.00%

SCHEDULE: 154.00 SEMIMONTH

TOTAL PAID: 13,860.00

DEBTOR:  
ROBERT JOHN WOLVERTONJ DEBTOR:  
CATHERINE ANN WOLVERTON

## LAST 12 TRANSACTIONS

Date	Source	Amount
02/14/11	PC	308.00
01/18/11	PC	308.00
12/13/10	PC	308.00
11/05/10	PC	308.00
10/14/10	PC	308.00
09/13/10	PC	308.00
08/04/10	PC	308.00
07/02/10	PERS CK	308.00
05/24/10	PERS CK	308.00
04/28/10	PERS CK	308.00
03/31/10	PERS CK	308.00
03/03/10	PERS CK	308.00

DATE FILED: 01/18/2007

CONFIRMED: 03/30/2007

MODIFIED:

BAR DATE: 06/06/2007 Non-Government

07/17/2007 Government

PERCENTAGE: 4.000% EMPLOYER: MICHELIN N AMERICA

PLAN: 36 JOINT DEBTOR: JOHNSONS CORNERS PRESCHOOL

MONTHS TO PAYOFF: (20 LEFT)

MONTHS ON SCHEDULE: (0 LEFT)

PAYMENTS DUE TO DATE: 13,860.00

ATTORNEY: ROBERT M WHITTINGTON

ACTUAL PAYMENTS: 13,860.00

AMOUNT BEHIND: 0.00



CLAIM	CREDITOR NAME CLAIM REMARK	DISB CODE	CLASS PAY%	LAST DISB INT. RATE	FIX PAY ARREARS	ORG. CLAIM INT. BEGIN	APPROVED TO BE PAID	PRIN PAID INT PAID	PRIN DUE INT DUE
	ROBERT M WHITTINGTON	PRO	SEC		0.00	400.00	400.00	0.00	400.00
	CITIFINANCIAL RETAIL SERVICES	PRO	UNS		0.00		400.00	0.00	0.00
			4.000		0.00		0.00	0.00	
	AKRON GENERAL MEDICAL CENTER	PRO	UNS		0.00		0.00	0.00	Not Filed
			4.000		0.00		0.00	0.00	
	ROBERT M WHITTINGTON	PRO	UNS		0.00	300.00	300.00	0.00	300.00
			100.000		0.00		300.00	0.00	0.00
	TIME WARNER CABLE	PRO	UNS		0.00		0.00	0.00	Not Filed
			4.000		0.00		0.00	0.00	
	AKRON GENERAL MEDICAL CENTER	PRO	UNS		0.00		0.00	0.00	Not Filed
			4.000		0.00		0.00	0.00	
	CHILDRENS HOSPITAL MEDICAL	PRO	UNS		0.00		0.00	0.00	Not Filed
			4.000		0.00		0.00	0.00	
	DIGESTIVE HEALTH CENTER	PRO	UNS		0.00		0.00	0.00	Not Filed
			4.000		0.00		0.00	0.00	
01-1	CAPITAL ONE BANK	PRO	UNS		0.00	2,198.64	2,198.64	0.00	87.95
			4.000		0.00		87.95	0.00	0.00
02-1	PRA RECEIVABLES MANAGEMENT LLC	PRO	UNS		0.00	645.76	645.76	0.00	25.83
			4.000		0.00		25.83	0.00	0.00
03-1	FORD MOTOR CREDIT COMPANY	FIX	SEC	01/2011	255.72	8,900.00	8,900.00	8,892.86	7.14
	PER 4/3/07 A/O- AUTO WRECKED INS \$		100.000	10.000	0.00	01/29/2007	8,900.00	2,414.92	0.00
03-1	FORD MOTOR CREDIT COMPANY	PRO	UNS		0.00	2,744.54	2,744.54	0.00	109.78
	Split Claim		4.000		0.00		109.78	0.00	0.00
04-1	OHIO EDISON COMPANY	PRO	UNS		0.00	79.11	79.11	0.00	3.16
			4.000		0.00		3.16	0.00	0.00
05-1	BENEFICIAL FINANCE CORP	PRO	UNS		0.00	11,080.27	11,080.27	0.00	443.21
	UNS 3/12/07 AO ADVSRY CASE 0705011		4.000		0.00		443.21	0.00	0.00
06-1	FIRSTAR	PRO	UNS		0.00	2,193.39	2,193.39	0.00	87.74
			4.000		0.00		87.74	0.00	0.00
07-1	INTERNAL REVENUE SERVICE	PRO	PRI		0.00	603.67	0.00	0.00	Closed
	CLM WD 2/14/07		100.000		0.00		0.00	0.00	
07-1	INTERNAL REVENUE SERVICE	PRO	UNS		0.00	36.17	0.00	0.00	Closed
	Split Claim CLM WD 2/14/07		4.000		0.00		0.00	0.00	
08-1	LITTON LOAN SERVICING, LP	PRO	SEC		0.00		0.00	0.00	Direct
	NO ARREARS CLAIMED		100.000		0.00		0.00	0.00	
10-1	PREMIER BANKCARD/CHARTER	PRO	UNS		0.00	332.00	332.00	0.00	13.28
			4.000		0.00		13.28	0.00	0.00
11-1	ECAST SETTLEMENT CORP	PRO	UNS		0.00	890.69	890.69	0.00	35.63
	SAMS CLUB		4.000		0.00		35.63	0.00	0.00
12-1	PORTFOLIO RECOVERY ASSOCIATES LLC	PRO	UNS		0.00	6,237.68	6,237.68	0.00	249.51
	WASHINGTON MUTUAL		4.000		0.00		249.51	0.00	0.00
13-1	PORTFOLIO RECOVERY ASSOCIATES LLC	PRO	UNS		0.00	3,608.02	3,608.02	0.00	144.32

	WASHINGTON MUTUAL		4.000	0.00		144.32	0.00	0.00
14-1	ECAST SETTLEMENT CORP	PRO	UNS	0.00	2,013.36	2,013.36	0.00	80.53
	ORCHARD BANK/HOUSEHOLD		4.000	0.00		80.53	0.00	0.00
15-1	ECAST SETTLEMENT CORP	PRO	UNS	0.00	673.00	673.00	0.00	26.92
	HSBC		4.000	0.00		26.92	0.00	0.00
16-1	NATIONAL CAPITAL MANAGEMENT LLC	PRO	UNS	0.00	905.61	905.61	0.00	36.22
	APPLIED CARD BANK		4.000	0.00		36.22	0.00	0.00
17-1	DOMINION EAST OHIO GAS	PRO	UNS	0.00	1,227.90	1,227.90	0.00	49.12
			4.000	0.00		49.12	0.00	0.00
18-1	ECAST SETTLEMENT CORP	PRO	UNS	0.00	2,202.05	2,202.05	0.00	88.08
			4.000	0.00		88.08	0.00	0.00
19-1	CITY OF AKRON LAW DEPARTMENT	PRO	UNS	0.00	257.95	257.95	0.00	10.32
			4.000	0.00		10.32	0.00	0.00
20-1	LITTON LOAN SERVICING, LP	PRO	SEC	0.00	3,698.76	3,698.76	0.00	3,698.76
	SUPP CLAIM PER 11/8/09 ORDER		100.000	0.00		3,698.76	0.00	0.00
799	ROBERT M WHITTINGTON	PRO	ATY	07/2007	0.00	1,300.00	1,300.00	0.00
			100.000	0.00		1,300.00	0.00	0.00
	Trustee Administrative Fees					939.22	939.22	

TOTALS				255.72	51,888.73	52,827.95	11,132.08	5,897.50
				0.00		17,029.58	2,414.92	0.06
	ADMIN	ATTY	SECURED	PRIORITY	UNSEC	OTHER		
CLAIM AMOUNT:	0.00	1,300.00	12,998.76	0.00	1,791.60	0.00		
PAID BY TRUSTEE:	0.00	1,300.00	8,892.86	0.00	0.00	0.00		
SUB TOTAL:	0.00	0.00	4,105.90	0.00	1,791.60	0.00	DUE CREDITORS:	5,897.56
INTEREST DUE:	0.00	0.00	0.06	0.00	0.00	0.00	EXPECTED ADMIN:	376.44
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	313.00
BALANCE DUE:	0.00	0.00	4,105.96	0.00	1,791.60	0.00	APPROX BALANCE:	5,961.00

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Case Interim Report: 02/22/2011